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09/828,763	04/09/2001	Stephan Meyers	4925-68	9775

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EXAMINER

DETWILER, BRIAN J

ART UNIT	PAPER NUMBER
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2173

DATE MAILED: 03/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/828,763

Applicant(s)

MEYERS, STEPHAN

Examiner

Brian J Detwiler

Art Unit

2173

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 April 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 4.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 11 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Independent claim 10 distinctly defines first and second data appliances, which must be separate entities per the “first” and “second” terminology. Dependent claim 11 thus contradicts claim 10 by limiting the first and second data appliances as being the same physical data appliance. The examiner suggests that Applicant either amend the claims to resolve this contradiction or cancel claim 11.

Claim 17 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 17 recites the limitation "the machine-readable URLs" in lines 1 and 2. There is insufficient antecedent basis for this limitation in the claim.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an

Art Unit: 2173

international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-24 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by U.S.

Patent No. 6,542,927 (Rhoads).

Referring to claim 1, Rhoads discloses In columns 2-4 a particular form of encoded data, dubbed "Bedoop data", which can be imprinted upon common physical objects such as milk cartons and paper documents. Said Bedoop data is meant to link holders of the data to related electronic information. The Bedoop data, according to column 7: lines 8-37, is an address comprising three parts: CLASS, DNS, and UID. The CLASS and DNS portions point to specific servers on a network, while the UID portion functions as an index to particular functions or objects. In a basic embodiment, as discussed in column 2: lines 64-66, the network is the Internet. In columns 10 and 11, Rhoads discloses a greeting card scenario that utilizes Bedoop data, wherein the greeting card corresponds to the claimed physical icon. In column 10: lines 9-29 Rhoads discloses that a card sender first purchases a greeting card comprising Bedoop data, wherein the Bedoop data is recorded onto the greeting card by a greeting card company. In column 10: lines 30-44, Rhoads explains that the CLASS and DNS portions of the Bedoop data are used to navigate a network to reach a corresponding server maintained by the greeting card company. The greeting card thus comprises at least a first address, the Bedoop data, which can be read and decoded by a Bedoop sensor. Rhoads further explains in this section that the UID portion is used to index a table or database on the server to obtain a destination address of a web page object. In column 10: lines 51-67 and column 11: lines 1-18, Rhoads details the steps of how the card sender can use software tools to manually link a destination address of a web page object with the first address or Bedoop data. The sender can then deliver the greeting card to a

Art Unit: 2173

recipient, whom can finally hold the card in front of a Bedoop sensor and be presented with the web page object at the destination address.

Referring to claim 2, Rhoads explains in column 10: lines 30-44 that the first address is read from the greeting card, a link is identified by the first address is resolved to obtain the destination address, and access is provided to the web page object identified by the destination address.

Referring to claim 3, Rhoads explains in column 7: lines 21-30 that the first address (Bedoop data) can be a URL.

Referring to claim 4, Rhoads discloses in column 10: lines 30-44 that the destination address can be a web site, which is commonly accessed via a URL.

Referring to claim 5, Rhoads discloses in column 18: lines 41-43 that bar codes and any other optically recognizable digital encoding can be used in the invention.

Referring to claims 6 and 7, Rhoads discloses in column 22: lines 40-63 and column 26: lines 14-17 using PIN codes to demonstrate a right to access objects identified by the destination address.

Referring to claim 8, the greeting card scenario discussed above involves the greeting card company recording the first address onto the greeting card. In column 10: lines 51-59, Rhoads discloses that the card sender can also record the first address onto the greeting card by printing it at home. In this case the card sender can also use the Bedoop sensor to read in the first address. After the link to a web page at a destination address is established, the card is then delivered to the recipient or second party whom accesses the web page identified by the destination address.

Referring to claim 9, Rhoads discloses in column 15: lines 14-63 that pages in magazines and newspapers can be encoded with Bedoop data. Said pages (physical icons) are flat and flexible, associated with an issue of a printed publication and an intended recipient of a copy of a printed publication. Furthermore, the recipient of the magazine or newspaper would be the second party in accordance with the aforementioned embodiment and possession of the pages would be transferred by inserting them into the copy of the magazine or newspaper.

Referring to claim 10, Rhoads discloses in column 10: lines 9-50 the greeting card scenario discussed above in which a plurality of greeting cards can be used, each bearing a unique machine readable address. In the same section, Rhoads explains that the CLASS and DNS portions of the Bedoop data are used to navigate a network to reach a corresponding server maintained by the greeting card company. The greeting cards thus comprise at least first addresses, Bedoop data, which can be read and decoded by a Bedoop sensor, and there exists at least one network server for providing access to the first addresses identified by the plurality of greeting cards. Rhoads further explains in this section that the UID portion is used to index a table or database on the server to obtain a destination address of a web page object. In column 10: lines 51-67 and column 11: lines 1-18, Rhoads details the steps of how the card sender can use software tools to manually link a destination address of a web page object with the first address or Bedoop data. In this case the sender's PC is the first data appliance, which is configured to read a first address from a greeting card, forward the address to the network server, and then forward a destination address of a web page object specified by the sender. The server subsequently associates the destination address of the web page object with the first address by updating a stored table or database. The sender can then deliver the greeting card to a recipient,

Art Unit: 2173

whom can finally hold the card in front of a Bedoop sensor at a second data appliance and be presented with the web page object at the destination address.

Referring to claim 11, the first and second data appliances can inherently be the same physical data appliance since both are merely personal computing devices connected to Bedoop sensors and a network.

Referring to claims 12 and 13, the first and second data appliances discussed in the greeting card scenario above are associated with a sender and a recipient respectively, which further teaches that the appliances do not have to be collocated.

Referring to claim 14, the greeting cards discussed above are in essence cards.

Referring to claims 15 and 16, Rhoads discloses in column 22: lines 40-43 that bank cards (debit, credit, etc.) can be encoded with Bedoop data. Said cards are the size of credit cards, are substantially made of plastic, and carry a machine-readable medium.

Referring to claim 17, Rhoads discloses in column 18: lines 41-43 that bar codes and any other optically recognizable digital encoding can be used in the invention.

Referring to claim 18, Rhoads discloses in column 10: lines 9-50 the greeting card scenario discussed above in which a plurality of greeting cards can be used, each bearing a unique machine readable address. In the same section, Rhoads explains that the CLASS and DNS portions of the Bedoop data are used to navigate a network to reach a corresponding server maintained by the greeting card company. The greeting cards thus comprise at least first addresses, Bedoop data, which can be read and decoded by a Bedoop sensor, and there exists at least one network server for providing access to the first addresses identified by the plurality of greeting cards. Rhoads further explains in this section that the UID portion is used to index a

Art Unit: 2173

table or database on the server to obtain a destination address of a web page object. In column 10: lines 51-67 and column 11: lines 1-18, Rhoads details the steps of how the card sender can use software tools to manually link a destination address of a web page object with the first address or Bedoop data. In this case, the software tools on the sender's PC would provide some representation of the UID data structure in which the destination address associated with the web page object could be stored upon manipulation by the user. The server subsequently associates the destination address of the web page object with the first address by updating the stored table or database structure. The sender can then deliver the greeting card to a recipient, whom can finally hold the card in front of a Bedoop sensor and be presented with the web page object at the destination address.

Referring to claim 19, Rhoads explains in column 10: lines 30-44 that the first address is read from the greeting card, a table or database is accessed, a link is identified by the first address is resolved to obtain the destination address, and access is provided to the web page object identified by the destination address.

Referring to claim 20, Rhoads discloses in column 18: lines 41-43 that bar codes and any other optically recognizable digital encoding can be used in the invention.

Referring to claims 21 and 22, Rhoads discloses in column 22: lines 40-63 and column 26: lines 14-17 using PIN codes to demonstrate a right to access objects identified by the destination address.

Referring to claim 23, the greeting card scenario discussed above involves the greeting card company recording the first address onto the greeting card. In column 10: lines 51-59, Rhoads discloses that the card sender can also record the first address onto the greeting card by



Art Unit: 2173

printing it at home. In this case the card sender can also use the Bedoop sensor to read in the first address. After the link to a web page at a destination address is established, the card is then delivered to the recipient or second party whom accesses the web page identified by the destination address.

Referring to claim 24, Rhoads discloses in column 15: lines 14-63 that pages in magazines and newspapers can be encoded with Bedoop data. Said pages (physical icons) are flat and flexible, associated with an issue of a printed publication and an intended recipient of a copy of a printed publication. Furthermore, the recipient of the magazine or newspaper would be the second party in accordance with the aforementioned embodiment and possession of the pages would be transferred by inserting them into the copy of the magazine or newspaper.

### *Conclusion*

The prior art made of record on form PTO-892 and not relied upon is considered pertinent to applicant's disclosure. Applicant is required under 37 C.F.R. § 1.111(c) to consider these references fully when responding to this action. The documents cited therein teach alternate methods of associating data stored on physical icons with externally stored electronic information.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian J Detwiler whose telephone number is 703-305-3986. The examiner can normally be reached on Mon-Thu 8-5:30 and alternating Fridays 8-4:30.

Art Unit: 2173

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W Cabeca can be reached on 703-308-3116. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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